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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Steven F. Reiber et al.
PATENT NO.: 6,354,479
SERIAL NO.: 09/514,454
FILING DATE: February 25, 2000
TITLE: Dissipative Ceramic Bonding Tip
EXAMINER: Lynne Renee Edmondson
ART UNIT NO.: 1725
ATTY DKT NO.: PA1118US

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on the date printed below:

Date: March 19, 2003

David Lewis
David Lewis, Reg. No. 33,101

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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OFFICE OF PETITIONS

REQUEST FOR ENTRY OF THE CERTIFICATE OF CORRECTION

Sir/Madam:

Attached are a Certificate of Correction, a petition to wave 37 CFR 3.81(a), and material related to the petition. The Applicants hereby request that the attached Certificate of Correction be entered, clarifying that the above-identified patent is not assigned.

Should the petition be denied for unforeseeable reasons, the Applicants argue that it was not necessary, because (notwithstanding MPEP 1481) 37 CFR 3.81(a) states

An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance is submitted with

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payment of the issue fee, provided the assignment has been previously recorded in the Office.

However, 37 CFR §3.81(a) does not explicitly discuss correcting the assignment or removing a wrong assignment via a Certificate of Correction. Ordinarily, correcting the assignment after issuance includes two parts (1) removing the erroneous assignment, and (2) listing the correct assignment. Ordinarily, correcting the assignment violates 37 CFR §3.81(a), because listing of the assignee (the second part of the correction process) is not being done "with payment of the issue fee," but afterwards instead. However, taking the contrapositive of the first part of 37 CFR §3.81(a) implies that

An application may [not] issue in the name(s) of the assignee(s) [that is not] consistent with the application's assignment

Thus, the placement of an erroneous assignment is itself in violation of 37 CFR §3.81(a).

Thus, it follows that (the first part of the correction process) the mere removal of an erroneous assignment (without placing the correct assignment on the patent) places the patent in compliance with 37 CFR §3.81(a) and is likewise not a violation of 37 CFR §3.81(a). Similarly, since the excerpt

An application may issue in the name(s) of the assignee ... provided the assignment has been previously recorded in the Office.

has the same meaning if the word "if" is substituted for "provided," therefore (as seen by taking the contrapositive) this excerpt implies that

An application may [not] issue in the name(s) of the assignee ... [if] the assignment has [not] been previously recorded in the Office.

Thus, the erroneous listing of an assignment when none was recorded is also a violation of 37 CFR §3.81(a). Consequently, it also logically follows that the mere removal of an erroneous non-recorded assignment (without placing a different assignment on the patent)

places the patent in compliance with 37 CFR §3.81(a), and is therefore also not a violation of 37 CFR §3.81(a). Further, MPEP 1481 is consistent with this reading of 37 CFR §3.81(a). Specifically, were the requirement (stated in MPEP1481) to file a petition to wave 37 CFR §3.81(a) supposed to apply to the mere removal of an incorrect assignee (without replacing it with a different assignee), then MPEP 1481 should have stated that it is not necessary to supply a Notice of Recordation if the only correction being made is the removal of an incorrect assignment when no assignment was ever made. The omission of how to deal with the lack of any recordation implies that MPEP 1481 was not intended to require a petition in order to enter a Certificate of Correction that merely removes an incorrect set of assignees (that were not recorded) from the cover page of the patent.

Thus, the attached Certificate of Correction should be entered whether or not the attached petition is granted, because the attached certificate of correction merely removes a part of the patent's coversheet that is otherwise in violation of 37 CFR §3.81(a). Consequently the attached Certificate of Correction places the patent in conformance with 37 CFR §3.81(a), and should be entered regardless of whether the petition is granted.

Therefore, in view of the above remarks and/or the attached petition, entry of the attached certificate of correction is proper, and the Applicants respectfully request that it be entered.

Respectfully submitted,

Steven F. Reiber et al.

Date: March 19, 2003


David Lewis, Reg. No. 33,101
Carr & Ferrell *LLP*
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Phone (650) 812-3400
Fax (650) 812-3444

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,354,479 B1
DATED : March 12, 2002
INVENTOR(S) : Steven Frederick Reiber and Mary Louise Reiber

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title pg,
~~On the cover page of the patent, below the inventor's names and addresses~~ delete "(73) Assignee: SJM Technologies, Mountain View, CA (US)."

MAILING ADDRESS OF SENDER:

Carr & Ferrell LLP
2225 E. Bayshore Road, Suite 200
Palo Alto, California 94303

PATENT NO. 6,354,479



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Palo Alto, California 94303

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